

§15-202. Property and occupation taxes; power to levy

A city of the primary class shall have power to levy taxes for general revenue purposes on all property within the corporate limits of the city taxable according to the laws of Nebraska and to levy an occupation tax on public service property or corporations in such amounts as may be proper and necessary, in the judgment of the mayor and council, for purposes of revenue. All such taxes shall be uniform with respect to the class upon which they are imposed. The occupation tax may be based upon a certain percentage of the gross receipts of such public service corporation or upon such other basis as may be determined upon by the mayor and council.

§§ 15-203. Occupation tax; power to levy; exemptions

A city of the primary class shall have power to raise revenue by levying and collecting a license or occupation tax on any person, partnership, limited liability company, corporation, or business within the limits of the city and regulate the same by ordinance except as otherwise provided in this section and in section 15-212. All such taxes shall be uniform in respect to the class upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation as well as concerts and all other musical entertainments given exclusively by the citizens of the city.

OCCUPATION TAX ON MOTOR VEHICLE FUEL RETAILERS

Commencing _____, 2003 there is hereby levied upon every motor vehicle fuel retailer in the City of Lincoln an occupation tax as follows:

(1) One percent on the gross receipts resulting from any resale of motor vehicle fuel consumers.

(A) Motor Vehicle Fuel Retailer shall mean any person who is licensed as a Nebraska Retailer and acquires motor vehicle fuel from a supplier, distributor, wholesaler or importer for resale to consumers of such fuel in the City of Lincoln

(B) 2) Motor vehicle fuel shall include all products and fuel commonly or commercially known as gasoline, including casing head or natural gasoline, and shall include any other liquid and such other volatile and inflammable liquids as may be produced, compounded, or used for the purpose of operating or propelling motor vehicles, motorboats, or aircraft or as an ingredient in the manufacture of such fuel. Agricultural ethyl alcohol produced for use as a motor vehicle fuel shall be considered a motor vehicle fuel. Motor vehicle fuel shall not include the products commonly known as methanol, kerosene oil, kerosene distillate, crude petroleum, naphtha, and benzine with a boiling point over two hundred degrees Fahrenheit, residuum gas oil, smudge oil, leaded automotive racing fuel with an American Society of Testing Materials research method octane number in excess of one hundred five, and any petroleum product with an initial boiling point under two hundred degrees Fahrenheit, a ninety-five percent distillation (recovery) temperature in excess of four hundred sixty-four degrees Fahrenheit, an American Society of Testing Materials

research method octane number less than seventy, and an end or dry point of distillation of five hundred seventy degrees Fahrenheit maximum;

(2) On or before the last day of each and every month, said Motor Vehicle Fuel Retailer shall pay to the City of Lincoln one percent of the gross receipts from the resale of motor vehicle fuel to consumers of such fuel.

(3) All motor vehicle fuel retailers on the last day of each month shall submit to the City Treasurer a full, complete and detailed statement of the gross receipts from the resale of motor vehicle fuel, omitting any exemptions, and said statement shall be duly verified and sworn to by the retailer.

(4) Each motor vehicle fuel retailer with the limits of the city shall register with the City of Lincoln on forms provided by the City. Each motor vehicle fuel retailer shall have the duty to maintain complete and accurate books, records and accounts showing the gross receipts for the sale of motor vehicle fuels which shall be available to the City of Lincoln for examination and for audit by the city upon reasonable notice during business hours.

Other parties defined by state statute:

Supplier shall mean any person who owns motor vehicle fuel imported by barge, barge line, or pipeline and stored at a barge, barge line, or pipeline terminal in this state and any person who refines and stores motor vehicle fuel at a refinery in this state;

Distributor shall mean any person who acquires ownership of motor vehicle fuel directly from a supplier at or from a barge, barge line, or pipeline terminal in this state;

Wholesaler shall mean any person, other than a supplier, distributor, or importer, who acquires motor vehicle fuel for resale;

Importer shall mean any person who owns motor vehicle fuel at the time such fuel enters the State of Nebraska by any means other than barge, barge line, or pipeline. Importer shall not include a person who imports motor vehicle fuel in a tank directly connected to the engine of a motor vehicle, train, watercraft, or airplane for purposes of providing fuel to the engine to which the tank is connected;

Exporter shall mean any person who acquires ownership of motor vehicle fuel from any licensed supplier, distributor, wholesaler, or importer exclusively for use or resale in another state;

OTHER CITIES

Oklahoma City: Provides an occupation tax on a gasoline or diesel filling station operator:

First Pump - \$15.00

Additional Pump over 1- \$7.50

Oil Only - \$7.50

Pendleton, Oregon:

Provides a tax on the motor vehicle fuel distributor/dealer of .02 cents per gallon. Requires a city license to be a dealer. Must file a monthly statement of all motor vehicle fuel sold, used or distributed by the dealer in the city and pay a license tax computed on the basis of .02 cents per gallon

DesPlaines, Illinois

Provides a tax upon the retail purchase at the rate of one cent per gallon .

INFORMATION ON GALLONS SOLD IN NEBRASKA

It is difficult to determine how much revenue such an occupation tax would raise. The Dept. of Revenue does not keep statistics on how many gallons are sold by retailers because retailers are not required to submit information to the Dept. of Revenue. They are not liable for the current motor vehicle fuels tax. All tax occurs up front on the wholesaler, importer, distributor end. We have approximately 123 retailers in Lincoln. According to the Dept. of Revenue, 800 million gallons of gas was sold in Nebraska in 2000. The difference between the gross sales of retailers(gas, junk food and taxables) minus taxable sales such as deli, prepared food, and merchandise in the City of Lincoln is \$424 million. However, \$424 million would represent 40% of gasoline sales. There is no way to separate out the nontaxable items.

CASENOTES:

Can impose a license tax and occupation tax - License is the power to maintain the safety and good order of inhabitants through power to license.

Classification must not be arbitrary but based on a real and substantial difference having a reasonable relation to the subject of the particular legislation

**CITY OF DES PLAINES
HOTEL-MOTEL OPERATOR'S OCCUPATION TAX
Monthly Remittance Form
PURSUANT TO CITY CODE 5-47**

Month/Year
of Collection: _____

Due Date:
25th DAY OF THE FOLLOWING MONTH

Payee Name, Address & Telephone

Local Business Name, Address & Telephone

Illinois Business Tax (IBT) Number
for Des Plaines Business Location
(from Illinois ST-1)

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

Signature of Preparer

Date

Signature of Taxpayer

Date

COMPUTATION OF HOTEL/MOTEL TAX LIABILITY

- 1) Gross Receipts from rental quarters
sleeping rooms, or housekeeping rentals minus
taxes paid and other deductions
(Worksheet RHM-1, Line 7 minus line 8)

\$ _____

- 2) Des Plaines Hotel-Motel Tax
Line 1 X 5% (.05)

\$ _____

- 3) Late payment penalties:
Interest charge of 1% per month
Late Filing Penalty of 5%
Late Payment Charge of 5%

\$ _____

\$ _____

\$ _____

- 4) Total tax, interest and penalty(s), if applicable, due
(add lines 2 and 3)

\$ _____

Mail this completed return and check for amount shown on line four (4) along with copy of Illinois Department of Revenue form RHM-1 to:

Finance Department
City Of Des Plaines
1420 Miner Street
Des Plaines, IL 60016

If there are any questions or you need additional forms, please call the City of Des Plaines at 847-391-5329 or 847-391-5330.